

REMARKS

Claims 1-14 are pending in this application. Claim 1 is amended herein. Claims 2-14 remain unchanged. Figure 3 has been corrected in response to the objection thereto. The Examiner's office action has been carefully considered, and the following remarks are numbered to correspond to its paragraphs.

1. FIG. 3 has been amended to correct the error noted by the Examiner. The o-rings are now properly designated as 97. A clean copy of the amended figure is attached, with the revisions noted in red.

2. Claims 1-3, 6, 7, 9, 10 and 14 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,384,486 to Eckert ("Eckert"). We respectfully traverse.

Applicants amend claim 1 to more clearly define the scope of the invention. All changes are fully supported in the specification. In particular, according to the Applicant's invention, as now more clearly claimed, the liquid level or volume gauge has, a float member extending into the tank, a float magnet joined to an upper portion of the float member, *a substantially linear* shaft positioned at an upper end of the tank, the upper portion of the float member being *coaxially* engaged with the elongated shaft, a fluid impermeable, non-magnetic wall, and a liquid level indication magnet positioned to couple with the float magnet across the fluid impermeable wall for axial positioning of the shaft *corresponding* to axial positioning of the float member (claim 1, Figs. 1 and 2). Therefore, the axial motion of the float member corresponds to axial motion of the shaft. The shaft being configured to indicate the tank level by its axial positioning.

In contrast, the disclosure of Eckert indicates that the float (44) is connected to a fill indicator by a continuous loop of flexible tape-like material 64 which is trained about journal rollers 58 and 60 located within a frame formed of elongated strips 50 connected together by a web 52 (see col. 4, lines 1-10). As described in Eckert, the flexible tape-like material 64 moves along a path trained about the rollers 58, 60 in response to liquid level fluctuations within the tank, where the portion of the tape rotating about the roller 60 is indexed with indicia to provide the liquid level (see col. 4, lines 10-14). Accordingly, the applicant's invention, as now more clearly claimed, relies on a different principle of operation than Eckert, and as such, obviates the

need for the additional components (e.g., rollers, flexible tape, frame formed of strips and connecting web) and added complexity of taught by this reference. There is no teaching or suggestion, nor even mention in Eckert of the element that interacts with the liquid level, i.e., the float member being *coaxially engaged* with the element that provides the visual indication of the liquid level, i.e., the elongated shaft. Moreover, the connecting shaft is substantially linear as recited in amended claim 1, whereas the elongated tape-like shaft (64) of Eckert is necessarily curvilinear to functionally link the float and the indicator.

On this basis, we submit that claim 1, as now amended, is distinguishable over Eckert, and that claim 1, and claims 2-14 depending therefrom, are now in condition for allowance.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert in view of U.S. Patent No. 5,472,012 to Wood ("Wood"). We respectfully traverse. Applicants respectfully submit that these claims are allowable for at least the same reasons as claim 1 with respect to Eckert, discussed above.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert in view of U.S. Patent No. 5,124,686 to White ("White"). We respectfully traverse. Applicants respectfully submit that these claims are allowable for at least the same reasons as claim 1 with respect to Eckert, discussed above.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert in view of White as applied to claim 8, further in view of U.S. Patent No. 5,589,639 to D'Antonio ("D'Antonio"). We respectfully traverse. Applicants respectfully submit that these claims are allowable for at least the same reasons as claim 1 with respect to Eckert, discussed above.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert in view of U.S. Patent No. 6,336,362 to Duenas ("Duenas"). We respectfully traverse. Applicants respectfully submit that these claims are allowable for at least the same reasons as claim 1 with respect to Eckert, discussed above.